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NOTICE OF INSUFFICIENCY

June 3, 2019

Evan Matthews, Executive Director
Connecticut Port Authority
455 Boston Post Road, Suite 204
Old Saybrook, CT 06475

Re: Permit Application #201905859-SDFWQC
200 State Pier Road, New London

Dear Mr. Matthews:

Your application for a permit to remove existing in-water structures, conduct dredging, install a bulkhead between two existing pier structures and place fill material landward of the bulkhead was received by the Department of Energy & Environmental Protection (“Department”) on May 7, 2019. Your application has been preliminarily reviewed and has been deemed insufficient for processing. Your application is insufficient because it does not contain the information indicated on the attached addendum.

The Department will not process your application until the requested information has been received and determined to be complete. The information requested above must be submitted to the Department within thirty (30) days of the date of this letter or the application will be rejected in accordance with 22a-3a-2(e) of the Regulations of Connecticut State Agencies. Please be aware if your application is rejected for insufficiency, and you wish to pursue authorization to conduct regulated work at this site, it will be necessary for you to submit a new application to the Department. Additionally, the permit application fee submitted with the above-referenced application cannot be applied to any subsequent application.

If you satisfactorily complete the file, we will conduct a review of your application for consistency with applicable statutory standards and policies. If the proposal is determined to be consistent, we will publish a Notice of Tentative Determination to Approve in the newspaper. If the proposal is determined to be inconsistent, we will provide you with an opportunity to withdraw before we publish a Notice of Tentative Determination to Deny in the newspaper. Please be aware that there will be no opportunity to submit revisions to address the inconsistency of your proposal. If your application is determined to be inconsistent, you can withdraw the application to avoid the cost of publication of the Notice of Tentative Determination to Deny. If your application is not processed, whether due to withdrawal or denial, and you wish to pursue authorization to conduct regulated work, I strongly suggest that you contact me at 860-424-3674 or at micheal.grzywinski@ct.gov to arrange a pre-application meeting. Pre-application coordination with the Land & Water Resources Division is integral to your submission of a complete application that is consistent with all applicable standards and policies. Applications that are complete and consistent may be processed rapidly.

Additionally, in accordance with Connecticut General Statutes (“CGS”) section 22a-361(a), the Department is required to charge, in advance, an initial non-refundable permit application fee with the submission of an

application. The permit application fee is calculated by this Office based on the perimeter of the water surface area used or occupied by the project as depicted on the application plans. The initial \$660.00 payment is then credited to the calculated fee and any balance is due and payable in accordance with the attached invoice. Please be aware that once the application fee is deposited, it cannot be refunded even in the event of modification or reduction of the scope of the project or withdrawal of the application.

Based on the plans provided, the balance of the fee is **\$23,614.24**. Payments are preferred in the form of a certified check, cashier's check or money order, although personal checks are acceptable. All payments must be made payable to the "Department of Energy and Environmental Protection," should include your application identification number on the check, and should be forwarded to the Department in accordance with the instructions on the attached invoice. In order to consider the application and maintain it as an active file, the application fee must be received at the Department by the date identified on the invoice otherwise the file will be rejected for insufficiency.

Please be advised that undertaking any work waterward of the coastal jurisdiction line or in tidal wetlands without the required state authorization is a violation of the law and is subject to enforcement proceedings, including penalties, outlined under Chapter 439 and sections 22a-361a, 22a-363 and 22a-35 of the CGS.

Sincerely,



Micheal P. Grzywinski, Senior Environmental Analyst
Land & Water Resources Division
Bureau of Water Protection & Land Reuse

Enclosure – Checklist, Fee invoice

cc: Evan Matthews, Connecticut Port Authority, evan.matthews@ct.gov

Michael Garbolski, AECOM, michael.garbolski@aecom.com

Joshua Singer, Moffatt & Nichol, Inc., jsinger@moffatnichol.com

Richard Couch, Martinez Couch and Associates, LLC, couchre@martinezcouch.com

Diane Ray, US ACOE, Diane.M.Ray@usace.army.mil, NAE #2018-02161

Steve Gephard, DEEP Fisheries Division, steve.gephard@ct.gov

File #201905859-SDFWQC, New London

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Notice of Insufficiency Checklist

The items in this outline correspond to the numbering system of the permit application form (DEEP-OLIS-APP-100). Please refer to the corresponding section of the application instructions for guidance regarding the required information. Please submit the following materials, **on revised application pages**, to this office at the following address:

DEEP-Land & Water Resources Division
ATTN: Micheal Grzywinski
79 Elm Street
Hartford, CT 06106-5127

Section	Missing	Incomplete
Part I: Permit Type and Fee		
Type of Permit		
Permit Fee		
Part II: Applicant Information		
1. Applicant name		
a. Applicant Type		
b. Applicant's interest in property		
2. Billing Contact information		
3. Primary Contact information		
4. Site Owner		
5. Facility Owner		
6. Attorney information		
7. Engineer/Consultant information		
8. LWRD staff pre-app		
Part III: Project info		
1. Description of Proposed Work		The areas of proposed dredging do not appear to be within areas of previously authorized dredging and therefore cannot be considered "maintenance" dredging as identified in the application materials. Please revise the application materials and plans accordingly.
2.a. Construction Methodology/Sequencing		
2.b. Erosion and sediment controls		Please be aware that the final authorization will include a condition requiring the development of a "Turbidity Mitigation and Monitoring Plan." The condition will require the plan to be submitted to the Commissioner for her review and written approval prior to the initiation of any work. Please be aware that the final authorization will include a condition requiring the development of a "Water Quality Monitoring Plan, including the locations of the proposed water quality monitoring buoys." The condition will require the plan to be submitted to the Commissioner for her review and written approval prior to the initiation of any work. Furthermore, the application materials identify a water monitoring limit of 100 NTU threshold. Please explain how this value was determined and if conversations with CT DEEP staff aided in the use of this number.
2.c. Construction Time		
3. Purpose/Use of Proposed Project		Please explain how the proposed improvements at the State Pier facility for the long-term regional wind turbine generation for

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	<p>assembling wind turbines will continue to support existing long-term breakbulk operations that presently occur at the facility. The application materials state that in 2011 the “State Pier Needs and Deficiency Planning Study” found that ‘<i>State Pier’s niche among East Coast ports was to remain primarily a break bulk port capable of handling a variety of cargo types (lumber, paper, pulp, salt, steel, etc.) but with future Marine Highway container potential. State Pier should be operated as efficiently as possible and take advantage if [sic] its rail connections in order to expand its market reach. The facility needs to efficiently accommodate cargo movements, storage and multimodal throughput[sic] to assure quick vessel turnaround times. Maximizing the flexibility of the port facility is the key to enhanced utilization.</i>’ Please indicate if the current water-dependent users of the facility will be displaced during the proposed activities and if they will be allowed to remain at the site once the proposed work has been completed.</p>
4. Coastal/Aquatic Resources on Site	<p>Please provide a copy of the existing shellfish lease bed map for the project area and include the lease holder’s name and mailing address.</p> <p>Connecticut General Statutes Section 22a-93(15)(F) refers to “<i>degrading visual quality through significant alteration of the natural features and vista and view points.</i>” Please provide a discussion of how the proposed redevelopment and use of State Pier complex as a long-term regional wind turbine generation assembly facility will not result in a significant alteration or degradation of the views from both the New London and Groton sides of the Thames River. Below is a view of the State Pier complex from Fort Griswold, Groton</p>  <p>and from Fort Trumbull in New London:</p>

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		<p>to this, an example of a wind turbine assembly yard located at the Port of Oostende, Belgium:</p> 
5. Potential Resource Impacts		
6.a. Potential Benefits/Impacts to Navigation		<p>Please include a discussion regarding the impacts to navigational use and port operations resulting from the placement of the proposed fill material between State Pier and the CVVR pier.</p> <p>The application materials states “<i>Public access to the Thames River Boat Launch and/or parking areas may be temporarily adversely affected during the construction phase of the Project. As described in Attachment M8, the Project anticipates mitigating for this temporal loss of recreational access.</i>” Please provide copies of correspondence with DEEP Boating Division staff regarding the proposed closure and/or restriction to the existing state boat launch ramp. Furthermore, Attachment M8, while “<i>conceptual in nature...anticipated that the overall mitigation strategy will be finalized in consultation with the appropriate regulatory agencies through the permitting process</i>” identifies “<i>consideration of improvements and increased access to recreational opportunities for the general public. SPII understands that the potential boat ramp upgrades or installations would be in Groton or New London, CT. Such mitigation could contribute to the Public Trust Doctrine.</i>” Please be aware that any proposed improvements to the existing launch ramp that are discussed with DEEP Boating Division and subsequently</p>

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		approved, <u>will not</u> be considered as a compensation or mitigation of the loss of public trust area associated with the proposed activity as the impacted site is already a publicly accessible site.
6.b. Potential Benefits/Impacts to Public Access		Connecticut General Statutes Section 22a-92(c)(1)(B) states “ <i>to disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal.</i> ” Attachment M9, page 17 of 23 states that the project is compliant with this section and references Attachments M1, M7 and M8. However, it does not appear that Attachment M1-Natural Resources Evaluation, Attachment M7-Alternatives Analysis or Attachment M8-Conceptual Mitigation includes an explanation or discussion as to how or why the proposed activity is consistent with this statute. Please provide a thorough discussion of the project consistency with CGS Section 22a-92(c)(1)(B).
7. Water-dependent Use Narrative		
8. Potential Impacts to Water-dependent Use		Please include a discussion of the potential navigation impacts to the adjacent ferry service located on the western bank of Winthrop Cove. Please provide copies of any correspondence with the existing ferry service regarding the proposed activities.
9. Alternatives Discussion		
10. Acceptability of Project		
11.a. Completed Work		
11.b. Detail of completed work		
11.c . Date of work		
11.d. Property purchase date		
11.e. Ownership when work completed		
11.f. Awareness of work		
11.g. Pending Enforcement Action		
12. Federal funding		In previous meetings, DEEP LWRD staff were informed that the project would be funded with Connecticut Port Authority (CPA) monies and private funds. However, the application materials state that CT DECD is contributing monies in the amount of \$10 million through the Manufacturing Assistance Act. Based on the use of state funds, a Flood Management Certificate will be required.
Part IV: Site and Resource info		
1. Facility Name/Location		
2. Indian Lands		
3. Coastal Area		
4. Endangered Species Area		
5. Aquifer Protection Area		
6. Shellfish Commission		
7. Harbor Management Commission		
8. Department of Agriculture/Aquaculture		
9. Conservation/Preservation Restriction		
10. Previous Authorizations		Please revise to include Authorizations #SD-83-198, SD-M-87-302 and Temporary Authorization 199800073-GW which allowed for previous dredging.
11. Changes in Conditions on Site		
12.a. Municipal Zoning Classification		
12.b. Existing Land Uses on Site		

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13. Name of Waterbody	
14. Tidal Elevation Limits	
15. Regulatory Limit Determination	
16. Elevations of Mean High/Low Water	
Part V: Supporting Documents	
Attachment AA – Published Application Notice	
Attachment A – Executive Summary	
Attachment B – Permission from Owner	
Attachment C – CT NDDB Form	
Attachment D – Shellfish Consultation Form	
Attachment E – Harbor Management Form	
Attachment F – Dept. of Ag/Aquaculture Form	
Attachment G – Cons./Pres. Information	
Attachment H – Compliance Information	
Attachment I – Project Plans	<ul style="list-style-type: none"> • Please revise the plans to show the coastal jurisdiction line (“CJL”) elevation. • Please provide an individual plan view and cross-section of the proposed 30' wide by 200' long by 6' deep “pockets” that will be used for the jack-up vessel. Please provide the volume of crushed stone to be placed within these pockets. • Please revise the plans to show the location of the proposed upland stormwater system and location(s) of proposed outfall pipes through the bulkhead. In addition, please show any stormwater pre-treatment measures (i.e., oil/water separators, swirl chambers, etc.). • Please provide a detail sheet or manufacturer specification sheet for the double turbidity curtain system that will be deployed during dredging. Please revise the plans to show the locations where the floating turbidity curtains will be employed. • Please provide an existing and proposed cross-section of the four (4) existing mooring dolphins and the piles that will be cut 2' below the mudline. • Please revise the plans to identify the top and toe of slope associated with the proposed dredging. In addition, please revise the plans to show existing and proposed bathymetry in these locations. • Please provide a detailed cross-section of the proposed “heavy lift” bulkhead, including the locations of upland deadmen, walers and associated tie-back rods. • Please provide plans specific to the proposed “king pile” bulkhead that will be installed between State Pier and the CVRR Pier. Please make certain to show how the proposed bulkhead will be structurally connected to both of the existing piers. • Please provide a plan that shows the location(s) of upland filtration area associated with the dewatering of the area located between the State Pier and the CVRR Pier and placement of material. • Please provide a detail sheet and cross-section of the proposed energy absorbing fenders and bollards. • Please revise the application materials and plans to identify the proposed debris containment/collection systems associated with the proposed demolition of the existing in-water structures and existing pile-supported platform along the northeast bulkhead.

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		<ul style="list-style-type: none"> • Please provide individual representative cross-sections of the existing and proposed conditions of the northeast and northwest bulkheads. Please make certain to show the elevations of the coastal jurisdiction line, mean high water and mean low water and the volume and area of any clean fill material that may be placed landward of the proposed bulkhead. • Please provide a plan that shows how the proposed State Pier structure will be used to berth jack-up vessel(s) and delivery vessels in relation to the federal navigation channel and existing in-water structures located within Winthrop Cove. • Please provide a plan view and cross-sections of the proposed stone riprap placement along the southern side of the CVRR pier and southwestern shoreline. • Please provide a plan that shows the various stages of work, including location(s) of work barges, material storage in relation to the Winthrop Cove and the current water dependent use. • Please provide a plan that shows where the construction barges will be moored when not in use. Please make certain to show the swing radius of the barges when at the moorings, the number of moorings, and all adjacent in-water structures. Please be aware that the placement of these moorings will require prior state approval and should be included in the pending permit application. Please revise the application materials and plans accordingly.
Attachment J – Existing Conditions Photographs		
Attachment K – Adjacent Property Contacts		Please provide the names and mailing addresses of the adjacent properties that are located immediately adjacent to the State Pier facility.
Attachment L – Applicant Background Info	X	
Attachment M – Other		<p>Please provide a copy of the letter from the State Historic and Preservation Office (“SHPO”) regarding the significance of the CVRR Pier and discuss the measures required by SHPO to preserve the historic component of the existing pier.</p> <p>Please be aware that the Department <u>will not</u> issue a Notice of Tentative Determination to Approve the proposed activity until a Fisheries Mitigation Plan has been developed and agreed upon by DEEP to mitigate the loss of benthic habitat associated with the proposed activities. To this end, I strongly encourage you to contact Steve Gephard, DEEP Fisheries Division (860-447-4316 or steve.gephard@ct.gov) to begin discussions.</p>
Attachment N – Corps Consultation Form		
Part VI: Applicant Certification		
Applicant Signatures/Date		
Preparer Signatures/Date		
Notice of Permit Application (see Application Instructions pages 3 and 4 of 29)		
Affidavit of Publication		
Certification of Notice Form – Notice of Application		